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OFFICE OF PETITIONS

In re Application of	:	
John Pope	:	
Application No. 10/609,173	:	LETTER REGARDING
Filed: June 27, 2003	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 1530	:	

This is in request to the "LETTER REGARDING PATENT TERM ADJUSTMENT DETERMINATION" filed October 17, 2007. Applicants request that the Office review the 9-day term extension determined by the Office for the time period extending from the September 7, 2006, Response After Final Action to the January 16, 2007, mailing of the new Non-final Office Action.

The request for review of the initial determination of patent term adjustment (PTA) is **DISMISSED** to the extent that any correction to the PTA is requested.

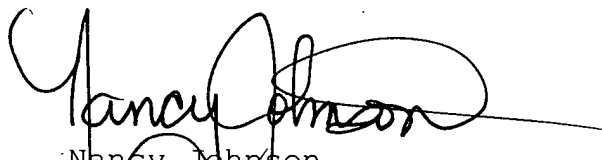
The entry of the period of adjustment of 9 days pursuant to 37 CFR §§1.702(a)(2) and 1.703(a)(3) is correct. A review of the application history confirms that the amendment filed September 7, 2006 (and not the notice of appeal filed September 18, 2006) is properly considered a reply in compliance with § 1.113(c). As such, the period of reduction is 9 days, counting the number of days in the period beginning on the day after the date that is four months after the date a reply in compliance with § 1.113(c) was filed, January 7, 2007, and ending on the date of mailing of an action under 35 U.S.C. 132, January 16, 2007.

In view thereof, the determination of PTA at the time of the mailing of the notice of allowance of **(465)** days is correct.

As this letter was submitted as an attempt to advise the Office of an error in applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded to the Office of Patent Publication for issuance of the application. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.


Nancy Johnson
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Office of Petitions